



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/011,852	12/04/2001	David M. Smart	1935-1-3	5227

996 7590 03/13/2003

GRAYBEAL, JACKSON, HALEY LLP
155 - 108TH AVENUE NE
SUITE 350
BELLEVUE, WA 98004-5901

EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT PAPER NUMBER

3632

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/011,852

Applicant(s)

SMART, DAVID M.

Examiner

Naschica S Morrison

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19,30-32 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-19 is/are allowed.
- 6) ☒ Claim(s) 1-11,30,31 and 34 is/are rejected.
- 7) ☒ Claim(s) 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

This is the second Office Action for serial number 10/011,852, Collapsible Support with Arms and Legs and Method for Using, filed on December 4, 2002. Claims 1-19, 30-32, and 34 are pending.

Withdrawal of Allowability

The indicated allowability of claim 34 is withdrawn in view of the newly discovered reference to Hrabak. Rejections based on the newly cited reference follow.

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-11, 30, 31, and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 1,067,609 to Hrabak. Regarding claims 1-11, Hrabak discloses an extendable and retractable apparatus comprising: a body (shown in Fig. 1 generally) including a longitudinal axis; a plurality of arms (laterally extending members parallel to d^1 and d^2) attached to the body and extendable to an extended position that is perpendicular to the longitudinal axis by an arm attachment assembly (d^1 , d^2); a plurality of legs (B) attached to the body and extendable to an extended position by a leg attachment assembly (B^1 , b^1), wherein the extended position includes the legs being at an acute angle relative to the longitudinal axis of the body; a biasing member (C, C^2) linked to the arms and legs and operable to simultaneously move the arms and legs and

Art Unit: 3632

bias the arm and legs to a retracted position; a locking mechanism (c, joint between C and C², and joint between C² and A² retain the arms and legs in the extended position when c¹ is in the fully extended position shown in Fig. 1) operable to retain the arms and legs in the extended position; and an actuating member (c¹) operable to move the arms and legs, wherein the arms and legs are retractable to a position substantially parallel to the longitudinal axis of the body. Regarding claims 30-32 and 34, the method steps recited therein are deemed to be anticipated by the function of the structure of the apparatus as discussed above and as taught by Hrabak (lines 82 ff.).

Allowable Subject Matter

Claims 12-19 are allowed.

Claim 32 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: although the prior art of record discloses many of the limitations of the claims, it fails to further teach the additional step of extending the arm and leg by moving moving arm and leg rings toward respective fixed arm and leg rings.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3632

Response to Arguments

Applicant's arguments with respect to claims 1-11, 30, 31, and 34 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: 542609 to Gordon et al; 663105 to Skoog et al; 952335 to Killian; 966250 to Simkins; 2542137 to Hanson; 3051320 to De Loss Barnett; 3464664 to Nugent

The above references disclose collapsible supports relevant to Applicant's invention.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9326 (formal amendments) or (703) 872-9327 (After Final amendments).

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.


Naschica S. Morrison
Patent Examiner
Art Unit 3632
3/7/03


ANITA KING
PRIMARY EXAMINER